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10/731,992	12/08/2003	Craig L. Ogg	PSTA0003/MRK	5866

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EXAMINER
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WU, RUTAO

ART UNIT	PAPER NUMBER
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3628

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/731,992	OGG ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Rob Wu	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A. SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 August 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7, 13 and 19-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7, 13 and 19-28 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Status of Claims***

1. In response filed August 20 2007, the applicant amended claims 1-7, 13, and 20, claims 8-12, 14-18 have been cancelled. New claims 21-28 have been introduced. Claims 1-7, 13, and 19-28 are pending in the current application.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-7, 13 and 20-28 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 26 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. The claim language is unclear "wherein the second label is arranged on the single sheet of self-adhesive labels in a landscape orientation with respect to a portrait orientation of the single sheet of self-adhesive labels."

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claim 1-7, 5, 13, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat No. 6,010,156 to Block in view of U.S. Pub No. 2003/0046103 to Amato et al in further view of U.S. Pat No. 6,244,763 to Miller.

**Referring to claim 1:**

A computer printer printable self-adhesive label set for use with a computer postage system. The label set comprising:

A first label on a layer of self-adhesive label stock, comprising a postage indicia label, wherein the postage indicia label is adapted to be printed with postage indicia; (Block Fig 3A)

A second label on the layer of self-adhesive label stock, adapted to be printed with a set of mailing identification information. (Block Fig 3A) and

A third label on the layer of self-adhesive label stock, adapted to be printed with a set of address information; (Block Fig 3A)

Block does not expressly disclose a first barcode label and second barcode label representing mailing identification information and delivery address information. Amato et al disclose a mailpiece with both the PLANET™ code label and the POSTNET code label. [0009], [0015] (Fig 1)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Block to print bar code labels for both the mailing identification information and delivery address information. Block provides specific motivation by disclosing the desire to use multiple labels to maximize the convenience and utility to the end user. (col 3: lines 35-36)

Block does not expressly disclose a first expanse of the layer of self-adhesive label that separates the second label from the third label, wherein the first expanse is excluded from the computer printer printable self-adhesive label set. Miller discloses a layer of self-adhesive label that separates the second label from the third label. (Fig 3)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention for Block to be able to print on sheet of self-adhesive labels with an area of self-adhesive label separating the printed labels and not being printed on. Block would be motivated to perform such modification to use features that are well known in the arts with predictable results.

**Referring to claim 2:**

A computer printer printable self-adhesive label set arranged on a layer of self-adhesive label stock for use with a computer postage system, the label set comprising:

Block discloses

A first label consisting a of a postage indicia label, wherein the postage indicia label is adapted to receiving printing consisting of postage indicia; (Block 3A) and

A second label adapted to receiving printing representing mailing identification information; (Block 3A)

A third label adapted to receive printing representing delivery address information; (Block 3A)

Block does not expressly disclose a first barcode label and second barcode label representing mailing identification information and delivery address information. Amato et al disclose a mailpiece with both the PLANET™ code label and the POSTNET code label. [0009], [0015] (Fig 1)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Block to print bar code labels for both the mailing identification information and delivery address information. Block provides specific motivation by disclosing the desire to use multiple labels to maximize the convenience and utility to the end user. (col 3: lines 35-36)

and

Block does not expressly disclose a portion of the layer of self-adhesive label that separates the second label from the third label.

Miller discloses a portion of the layer of self-adhesive label that separates the printable labels. (Fig 3)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention for Block to be able to print on sheet of self-adhesive labels with an area of self-adhesive label separating the printed labels and not being printed on. Block would be motivated to perform such modification to use features that are well known in the arts with predictable results.

**Referring to claim 3:**

The computer printer printable self-adhesive label set of Claim 2, the label set further comprising:

Block discloses

A further label consisting of a return address label, wherein the return address label is adapted to receive printing consisting of a return address of a mailer. (Block Fig 3A)

**Referring to claim 5:**

A sheet of a plurality of computer printer printable self-adhesive label sets for use with a computer postage system

Each self-adhesive label arrangement set arranged on a top self-adhesive layer of a sheet of self-adhesive label stock, comprising:

Block discloses

A first label comprising a postage indicia label, wherein the postage indicia label is adapted to be printed with postage indicia; (Fig 3A) and

A second label comprising mailing identification information; (Fig 3A)

A third label comprising delivery address information; (Fig 3A)

Block does not expressly disclose a first barcode label and second barcode label representing mailing identification information and delivery address information. Amato et al disclose a mailpiece with both the PLANET™ code label and the POSTNET code label. [0009], [0015] (Fig 1)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Block to print bar code labels for both the mailing

identification information and delivery address information. Block provides specific motivation by disclosing the desire to use multiple labels to maximize the convenience and utility to the end user. (col 3: lines 35-36)

And

Block does not expressly disclose a portion of the top self-adhesive layer disposed in between the second label from the third label.

Miller discloses a portion of the layer of self-adhesive label that separates the printable labels. (Fig 3)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention for Block to be able to print on sheet of self-adhesive labels with an area of self-adhesive label separating the printed labels and not being printed on. Block would be motivated to perform such modification to use features that are well known in the arts with predictable results.

**Referring to claim 13:**

A method for printing postage indicia and mailing tracking information onto a particular label arrangement set on a single sheet of self-adhesive labels, wherein the single sheet of self-adhesive labels comprises a plurality of label arrangement sets, and wherein each label arrangement set comprises a plurality of labels, the method comprising:

Block discloses

Directing a computer postage system to print postage indicia on a first label of the particular label arrangement set wherein the first label of the particular label arrangement set is adapted to be printed with postage indicia; (Fig 3A)

And

Directing the computer postage system to print mailing identification information (Fig 3A)

Directing the computer postage system to print delivery address information. (Fig 3A)

Block does not expressly disclose a first barcode label and second barcode label representing mailing identification information and delivery address information. Amato et al disclose a mailpiece with both the PLANET™ code label and the POSTNET code label. [0009], [0015] (Fig 1)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Block to print bar code labels for both the mailing identification information and delivery address information. Block provides specific motivation by disclosing the desire to use multiple labels to maximize the convenience and utility to the end user. (col 3: lines 35-36)

**Referring to claim 19:**

The method of Claim 13 wherein the first graphic symbology is a one-dimensional barcode. (Fig 3A)

**Referring to claim 20:**

Block does not expressly state that the second graphic symbology is a one-dimensional barcodes.

However, from Amato et al's disclosure (Fig1) it is obvious that the second graphic symbology is a one-dimension barcode. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Block to use a one-dimensional barcode for the second graphic symbology. Block provides specific motivation by disclosing that each label within the field may also be customized and sized to accommodate the desired use, and various strips with variously formatted layouts may be made commercially available. (col 3: lines 20-24)

8. Claims 4, 6-7, 21-23, and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Block in view of Amato in further view of U.S. Pat No. 6,419,782 to Johnson et al.

**Referring to claim 4:**

A sheet of a plurality of computer printer printable self-adhesive label sets for use with a computer postage system, computer printer printable self-adhesive label set of the plurality of computer printer printable self-adhesive label sets comprising:

Block discloses a first label comprising a postage indicia label, wherein the postage indicia label is adapted to be printed with postage indicia; (Fig 3A) and

Block discloses a second label comprising a set of mailing identification information. (Fig 3A)

Block does not expressly disclose a first barcode label and second barcode label representing mailing identification information and delivery address information. Amato et al disclose a mailpiece with both the PLANET™ code label and the POSTNET code label. [0009], [0015] (Fig 1)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Block to print bar code labels for both the mailing identification information and delivery address information. Block provides specific motivation by disclosing the desire to use multiple labels to maximize the convenience and utility to the end user. (col 3: lines 35-36)

Block combined with Amato does not expressly disclose printing the first label in portrait orientation and printing the second label in landscape orientation. Johnson et al disclose a system that is capable of identifying the orientation of the labels and is able to print the labels in a horizontal and vertical position. (Abstract)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Block to be able to print on labels in both horizontal and vertical position. Block provides specific motivation by disclosing the desire to use multiple labels to maximize the convenience and utility to the end user. (col 3: lines 35-36)

**Referring to claim 6:**

Block discloses the sheet of a plurality of computer printer printable self-adhesive label sets of Claim 5, wherein the first label is adapted to be printed with postage indicia and second label printed with delivery address information.

Block does not expressly disclose a first barcode label and second barcode label representing mailing identification information and delivery address information. Amato et al disclose a mailpiece with both the PLANET™ code label and the POSTNET code label. [0009], [0015] (Fig 1)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Block to print bar code labels for both the mailing identification information and delivery address information. Block provides specific motivation by disclosing the desire to use multiple labels to maximize the convenience and utility to the end user. (col 3: lines 35-36)

Block combined with Amato does not expressly disclose printing the first label in portrait orientation and printing the second label in landscape orientation. Johnson et al disclose a system that is capable of identifying the orientation of the labels and is able to print the labels in a horizontal and vertical position. (Abstract)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Block to be able to print on labels in both horizontal and vertical position. Block provides specific motivation by disclosing the desire to use multiple labels to maximize the convenience and utility to the end user. (col 3: lines 35-36)

**Referring to claim 7:**

A method for printing postage indicia and mail piece tracking information onto a single sheet of self-adhesive labels containing at least one self-adhesive label arrangement set, the method comprising:

Block discloses

Directing a computer postage system to print postage indicia on a postage indicia label of one of the self-adhesive label arrangement sets; (Fig 3A) and

Directing the computer postage system to print mail piece tracking information. (Fig 3A)

Directing the computer postage system to print delivery address information. (Fig 3A)

Block does not expressly disclose a first barcode label and second barcode label representing mailing identification information and delivery address information.. Amato et al disclose a mailpiece with both the PLANET™ code label and the POSTNET code label. [0009], [0015] (Fig 1)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Block to print bar code labels for both the mailing identification information and delivery address information. Block provides specific motivation by disclosing the desire to use multiple labels to maximize the convenience and utility to the end user. (col 3: lines 35-36)

Block combined with Amato does not expressly disclose printing the first label in portrait orientation and printing the second label in landscape orientation. Johnson et al disclose a system that is capable of identifying the orientation of the labels and is able to print the labels in a horizontal and vertical position. (Abstract)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Block to be able to print on labels in both horizontal

and vertical position. Block provides specific motivation by disclosing the desire to use multiple labels to maximize the convenience and utility to the end user. (col 3: lines 35-36)

**Referring to claim 21:**

Block does not expressly disclose instructing the computer postage system to format postage indicia in a portrait orientation for printing on a portrait-oriented label.

Johnson et al disclose system of printing label in both horizontal and vertical positions. It would have been obvious to one having ordinary skill in the art at the time the invention was made for Johnson et al's system to format the label information for the orientation of the label.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Block to be able to print on labels in both horizontal and vertical position. Block provides specific motivation by disclosing the desire to use multiple labels to maximize the convenience and utility to the end user. (col 3: lines 35-36)

**Referring to claim 22:**

Block does not expressly disclose instructing the computer postage system to format barcode information in a landscape orientation for printing on a first landscape-oriented label.

Johnson et al disclose system of printing label in both horizontal and vertical positions. It would have been obvious to one having ordinary skill in the art at the time

the invention was made for Johnson et al's system to format the label information for the orientation of the label.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Block to be able to print on labels in both horizontal and vertical position. Block provides specific motivation by disclosing the desire to use multiple labels to maximize the convenience and utility to the end user. (col 3: lines 35-36)

**Referring to claim 23:**

Block does not expressly disclose instructing the computer postage system to print label in landscape orientation.

Johnson et al disclose a system that is capable of identifying the orientation of the labels and is able to print the labels in a horizontal and vertical position. (Abstract).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Block to be able to print on labels in both horizontal and vertical position. Block provides specific motivation by disclosing the desire to use multiple labels to maximize the convenience and utility to the end user. (col 3: lines 35-36)

**Referring to claim 25:**

Block does not expressly disclose instructing the computer postage system to format postage indicia in a portrait orientation for printing on a portrait-oriented label.

Johnson et al disclose system of printing label in both horizontal and vertical positions. (Abstract) It would have been obvious to one having ordinary skill in the art at

the time the invention was made for Johnson et al's system to format the label information for the orientation of the label.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Block to be able to print on labels in both horizontal and vertical position. Block provides specific motivation by disclosing the desire to use multiple labels to maximize the convenience and utility to the end user. (col 3: lines 35-36)

**Referring to claim 26:**

Block does not expressly disclose instructing the computer postage system to format label information for print on a sheet of self-adhesive labels in a landscape orientation with respect to landscape orientation of the single sheet of self-adhesive labels.

Johnson et al disclose system of printing label in both horizontal and vertical positions. (Abstract) It would have been obvious to one having ordinary skill in the art at the time the invention was made for Johnson et al's system to format the label information for the orientation of the label.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Block to be able to print on labels in both horizontal and vertical position. Block provides specific motivation by disclosing the desire to use multiple labels to maximize the convenience and utility to the end user. (col 3: lines 35-36)

**Referring to claim 27:**

Block does not expressly disclose instructing the computer postage system to format label information for print on a sheet of self-adhesive labels in a landscape orientation with respect to landscape orientation of the single sheet of self-adhesive labels.

Johnson et al disclose system of printing label in both horizontal and vertical positions. (Abstract) It would have been obvious to one having ordinary skill in the art at the time the invention was made for Johnson et al's system to format the label information for the orientation of the label.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Block to be able to print on labels in both horizontal and vertical position. Block provides specific motivation by disclosing the desire to use multiple labels to maximize the convenience and utility to the end user. (col 3: lines 35-36)

**Referring to claim 28:**

Block does not expressly disclose printing a label of delivery address information in landscape orientation.

Johnson et al disclose a system that is capable of identifying the orientation of the labels and is able to print the labels in a horizontal and vertical position. (Abstract).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Block to be able to print on labels in both horizontal and vertical position. Block provides specific motivation by disclosing the desire to use

multiple labels to maximize the convenience and utility to the end user. (col 3: lines 35-36)

9. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Block in view of Amato in view of Miller and in further view of Johnson et al.

**Referring to claim 24:**

Block does not expressly disclose instructing the computer postage system to print on a sheet of self-adhesive labels in a landscape orientation with respect to landscape orientation of the single sheet of self-adhesive labels.

Johnson et al disclose a system that is capable of identifying the orientation of the labels and is able to print the labels in a horizontal and vertical position. (Abstract).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Block to be able to print on labels in both horizontal and vertical position. Block provides specific motivation by disclosing the desire to use multiple labels to maximize the convenience and utility to the end user. (col 3: lines 35-36)

Block does not expressly disclose a portion of the top self-adhesive layer disposed in between the second label from the third label.

Miller discloses a portion of the layer of self-adhesive label that separates the printable labels. (Fig 3)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention for Block to be able to print on sheet of self-adhesive labels

with an area of self-adhesive label separating the printed labels and not being printed on. Block would be motivated to perform such modification to use features that are well known in the arts with predictable results.

### ***Conclusion***

10. Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rob Wu whose telephone number is (571)272-3136. The examiner can normally be reached on Mon-Fri 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571)272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

rw

  
JOHN W. HAYES  
SUPERVISORY PATENT EXAMINER